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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems) MM Docket No. 87-268
and Their Impact upon the)
Existing Television Broadcast)
Service)

COMMENTS

Fouce Amusement Enterprises, by its attorneys, and pursuant to Section 1.429 of the Commission's Rules, hereby files these comments on certain petitions for reconsideration of the Commission's Sixth Report and Order.¹ The petitions for reconsideration filed in this proceeding demonstrate: (1) that KRCA's DTV assignment is not feasible, and (2) that the Commission should delay processing of Los Angeles area DTV applications until needed modifications to DTV allotments are made.

Fouce is the licensee of television station KRCA, Channel 62 ("KRCA"), which operates in the Los Angeles television market. KRCA filed a Petition for Reconsideration of the Commission's Sixth Report and Order demonstrating that operation on its assigned DTV channel, Channel 69, is not feasible in the Los Angeles market because of overwhelming interference to adjacent-channel land

¹ In the Matter of Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, Sixth Report and Order, MM Docket No. 87-268, FCC 97-115 (released April 21, 1997).

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mobile operations.² KRCA submitted an engineering analysis showing that harmful interference would be caused to adjacent-channel land mobile operators even at 1% of authorized power.

KRCA further noted that its DTV assignment was in conflict with the Commission's decision to eliminate all DTV channel assignments within 10 miles of adjacent-channel land mobile facilities and that the failure to assign KRCA a viable DTV channel violated the Commission's goals of full accommodation and service area replication. For these and other reasons, KRCA's DTV channel assignment is unlawful, and KRCA requested the assignment of an alternative DTV within the core DTV channel spectrum.

I. The Commission Should Respond To Concerns of Land Mobile Interests.

Land mobile interests recognized that KRCA's DTV assignment should be changed. The Land Mobile Communications Council (LMCC), a national association representing virtually all land mobile manufacturers and service providers, strongly opposed KRCA's DTV assignment in the congested land mobile Los Angeles market.³ LMCC stated that DTV operation on Channel 69 could be expected to place a strong interfering signal into adjacent-channel base station

² Petition for Reconsideration of Fouce Amusement Enterprises, filed June 13, 1997.

³ Petition for Reconsideration of the Land Mobile Communications Council filed, June 13, 1997.

receivers.⁴ While praising the Commission's efforts to eliminate extremely short-spaced land mobile adjacent assignments in the draft allotment table, LMCC urged the Commission to make a similar effort to resolve the new but comparable situation created by the assignment of Channel 69 to KRCA.

The County of Los Angeles also opposed KRCA's Channel 69 assignment in its Petition for Reconsideration.⁵ The County, while primarily concerned about the lack of new spectrum for public safety on channels 60-69, stated that it operates land mobile operations immediately adjacent to channel 69 and would be negatively affected by DTV operations on this Channel.⁶ These petitions strongly support KRCA's conclusion that its DTV channel is not viable and must be changed.

II. The Commission Should Delay Granting Any Los Angeles Area DTV Applications Until Needed Modifications to DTV Allotments Are Completed.

Consistent with Fouce's Motion for Partial Stay, numerous petitions for reconsideration filed by broadcasters demonstrate a need for comprehensive changes to Los Angeles area DTV assignments. The Association for Maximum Service Television (MSTV) identified the California coastal region as one of three

⁴ Id. at 8.

⁵ Petition for Reconsideration of the County of Los Angeles, filed June 13, 1997.

⁶ Id. at 12.

acute problem areas that require a realignment of DTV channel assignments.⁷

MSTV found that in the California coastal region there would be a significant increase in interference to NTSC service and an overall decrease in DTV service replication under the allotment plan adopted in the Sixth Report and Order.⁸

MSTV specifically noted the land mobile interference problem created by KRCA's DTV assignment and requested action on this allotment.⁹

Eight other Los Angeles area broadcasters filed petitions for reconsideration requesting modifications to the DTV Table.¹⁰ These stations, including all four major networks in the Los Angeles market, raised significant NTSC interference and/or DTV coverage concerns.

The Commission should address the concerns of the broadcasters before granting any DTV applications in the Los Angeles market, or any neighboring market which may be affected by changes in the Los Angeles market. In a heavily congested market like Los Angeles, it is extremely difficult to resolve an individual DTV assignment without affecting other DTV assignments. To the extent the Commission grants a DTV construction permit application to any Los Angeles area broadcaster, it could foreclose its ability to arrive at an acceptable solution for the

⁷ Petition for Clarification and Partial Reconsideration of the Association For Maximum Service Television, Inc., filed June 13, 1997 at 7.

⁸ Id. at 8.

⁹ Id. at fn 25.

¹⁰ Petition of ABC, Inc., Petition of CBS, Petition of Community Television of Southern California, Petition of Costa De Oro Television, Petition of Fox Television Stations, Petition of KSLs, Petition of NBC, Inc..

Los Angeles region. Based on the concerns expressed in the petitions, the Commission should not process any DTV applications that may impact DTV channel assignments in the Los Angeles market until KRCA's petition is resolved.

CONCLUSION

The petitions for reconsideration filed by LMCC, the County of Los Angeles and MSTV all support KRCA's conclusion that the assignment of DTV Channel 69 to KRCA is in error and must be changed. The Commission should take the action requested in KRCA's petition for reconsideration and motion for partial stay.

Respectfully submitted,

FOUCE AMUSEMENT
ENTERPRISES

A handwritten signature in black ink, appearing to read "John I. Stewart, Jr.", is written over a horizontal line.

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July 18, 1997

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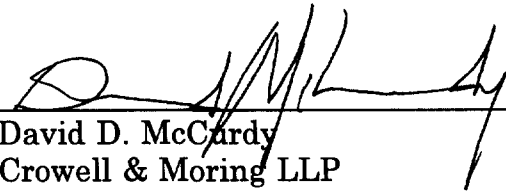
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